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GOVERNMENT GAZETTE

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SUPPLEMENT

(SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Planning and Development Department

ORDER

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the notification of the Government of India in the Ministry of Industry and Supply (Department of Industry) S. O. No. 4319/ECA/1/64 dated the 19th December 1964 and with the prior concurrence of the Central Government, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following Order, namely:—

1. Short title, extent and commencement. — (1) This Order may be called the Goa, Daman and Diu Cement Control Order, 1965.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on 1st June, 1965.

2. Definitions. — In this Order, unless the context otherwise requires,

(a) «authorization» means the document issued by the State Trading Corporation of India Limited authorising the sale of cement in such quantity and to such person as may be specified therein;

(b) «cement» means any variety of cement manufactured in India, and includes oil well cement, water-proof (Hydrophobic) cement blast furnace slag cement, rapid hardening cement and low heat cement, but does not include white and coloured

cement (other than grey portland cement) or any other variety of cement which the State Government may, by notification in the Official Gazette, specify as not being cement for the purposes of this order;

(c) «export» means to take out or cause to be taken out from any place within the Union Territory of Goa, Daman and Diu to any place outside that territory;

(d) «form» means a form appended to this Order;

(e) «licensing authority» means in the case of Goa, the Director, Civil Supplies, Goa, in the case of Daman, the Collector, Daman and in the case of Diu, the Civil Administrator, Diu or any other officer appointed by the State Government to exercise the powers and perform the duties of the licensing authority under this Order;

(f) «licence» means a licence granted under the provisions of this Order;

(g) «licensee» means a person holding a licence;

(h) «offer for sale» includes an intimation by a person of a proposal by him for the sale of any cement, made by the publication of a price list, by exposing the cement for sale indicating the price by furnishing of a quotation or otherwise howsoever;

(i) «State Government» means the Government of the Union Territory of Goa, Daman and Diu;

(j) «stockist» means a person who deals in cement involving the purchase, sale and storage for sale of cement.

3. Stockists to obtain licence. — No person shall carry on business as a stockist except under and in accordance with the provisions of this Order and the terms and conditions of a licence granted to him thereunder.

4. Acquisition of cement by stockists. — No stockist shall acquire cement for sale except under an authorization.

5. **Sale price not to exceed the ceiling.** — No person shall sell or offer for sale cement at a price exceeding the price fixed and notified by the State Government from time to time.

6. **Use or disposal of cement.** — No person who has acquired cement shall, except with the prior permission of the authority who issued the authorization or permit use or dispose of it in any manner other than that specified in the authorization or permit.

7. **Prohibition of export of cement.** — No person shall export or attempt to export or abet the export of cement except under and in accordance with a permit issued by the Director of Civil Supplies, Goa:

Provided that the provisions of this clause shall not apply to the export of cement —

- (i) on Central Government account; or
- (ii) under and in accordance with an authorization or Military Credit Notes.

8. **Application for grant or renewal of licence.** —

(1) Every person desiring to obtain or renew a licence shall make an application to the licensing authority in Form A accompanied by the treasury receipt evidencing payment of the prescribed fee.

(2) The fee payable for a licence shall be rupees twenty five and that for renewal of a licence shall be rupees twenty.

(3) Every licence granted under this Order shall be in Form B and shall be valid for a period of one year, from the date of issue and may be renewed for periods not exceeding one year at a time.

9. **Power to refuse or to renew a licence.** — The licensing authority may, after giving the applicant concerned an opportunity of stating his case and for reasons to be recorded in writing, refuse to grant or renew a licence and shall furnish the applicant with a copy of the order so passed.

10. **Power to cancel or suspend a licence.** — (1) The licensing authority may, after giving the licensee an opportunity of stating his case, cancel or suspend the licence granted or renewed on any of the following grounds, namely: —

- (a) that the licence has been obtained or got renewed by misrepresentation as to a material particular or
- (b) that any of the provisions of this Order or any condition of the licence has been contravened.

(2) The licensee shall not be entitled to any compensation for any loss or damage directly or indirectly suffered by him or to the refund of any fee paid by him by reason of the cancellation or suspension of the licence under sub-clause (1).

(3) A copy of every order cancelling or suspending a licence shall be furnished to the licensee.

11. **Appeal.** — (1) Any person aggrieved by any order of the licensing authority refusing to grant or renew a licence or cancelling or suspending a licence, may appeal to the State Government within thirty days from the date of receipt by him of such order.

(2) No order shall be made under this clause unless the aggrieved person has been given a reasonable opportunity of being heard.

(3) Pending the disposal of an appeal, the State Government may direct that an order refusing to renew a licence or cancelling or suspending a licence shall not take effect until the appeal is disposed of.

12. **Restrictions on distribution and sale of cement.** — (1) No person requiring cement for his personal use shall acquire cement except under and in accordance with a permit in Form D issued by the licensing authority.

(2) Any person desiring to purchase cement for his personal use may make an application in Form C to the licensing authority who may issue a permit in Form D for the quantity approved for such supply.

13. **Powers of entry, search, seizure etc.** — (1) The licensing authority or any other officer authorized by the State Government in this behalf, may with such assistance if any, as he thinks fit. —

(a) require the owner, occupier or any other person in charge of any place, premises, vehicles or vessels in which he has reason to believe that any contravention of the provisions of this Order or of the conditions of any licence issued thereunder has been, is being, or is about to be committed, to produce any book accounts or other documents showing transactions relating to such contraventions;

(b) enter, inspect and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this Order or of the conditions of any licence issued thereunder, has been, is being or is about to be committed;

(c) take or cause to be taken, extracts from or copies of, any documents showing transactions relating to such contraventions which are produced before him or are otherwise found;

(d) search, seize and remove stocks of cement and the animals, vehicles, vessels or other conveyances used in carrying the cement in contravention of the provisions of this Order, or of the conditions of the licence issued thereunder and thereafter take or authorize the taking of all measures necessary for securing the production of the stocks of cement and the animals, vehicles, vessels or other conveyances so seized in a court and for their safe custody pending such production.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure 1898 (V of 1898) relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

FORM «A»

[See clause 8(1)]

Application for the grant or renewal of a licence for carrying on business in cement under the Goa, Daman and Diu Cement Control Order, 1964.

1. Name of the applicant.
(In block letters).
2. Father's name.
3. If the application is made on behalf of a firm incorporated company or a co-operative society, state the trading name.
4. Address of the applicant.
5. Exact address of place of business for which licence is applied for.
6. Exact location of godown or godowns where cement is stored or is proposed to be stored.
7. How long have you been in cement business? Are you still engaged in cement business?
8. Total approximate storage capacity of godown or godowns.

9. Quantities of cement handled annually during the past three years.
10. Were you a licence holder under any previous Control Order? If so, give the number of the licence and the Order under which it was granted and the place where you conducted the business.
11. Were you ever channelled or prosecuted in a court of law for any breach or contravention of Cement Control Order? If so, when and why?
12. Will you be able to substantiate with relevant documents your replies to questions 6 to 11?
13. Date of Treasury receipt evidencing the payment of the prescribed fee.
14. Stocks cement, if any, held on the date of making this application.
15. I/We hereby apply for renewal of licence no. ... dated ... issued to me/us on ... and ... valid till ... (Please strike off if not applicable).
16. I/We have read the provisions of the Goa, Daman and Diu Cement Control Order, 1964 and understand that the licence issued to me/us will be subject to the provisions of the Order and conditions specified in the licence and that any breach of the conditions of the licence will amount to a breach of the Order.

I/We solemnly declare that the above particulars are correct to the best of my/our knowledge.

Date ...

Signature of the applicant(s)

Counterfoil

No. ...

Received application dated ... with a Treasury receipt for Rs. ..., for the grant/renewal of licence under Goa, Daman and Diu Cement Control Order, 1964.

Signature of the receiving officer

Date ...

FORM «B»

[See clause 8 (3)]

Licence issued to a stockist under the Goa, Daman and Diu Cement Control Order 1964.

Licence no.
Date
Valid from
to

Subject to the provisions of the Goa, Daman and Diu Cement Control Order, 1964 and to the terms and conditions of this licence ... as/are hereby authorized to carry on business as a stockist.

2. The licensee (s) shall sell or store for sale, cement at the following places:—

(A) separate licence shall be obtained for each place.

3. The licensee shall not acquire any cement for sale except under an authorization issued by the State Trading Corporation of India.

4. The licensee shall maintain a register of daily accounts for the sale of cement showing correctly:—

- (a) the opening stock on each day;
- (b) the quantities received on each day showing the place of origin;
- (c) the quantities sold or otherwise removed on each day;
- (d) the closing stock on each day.

5. The licensee/s shall also maintain another register showing the details of the transactions from day to day under the following heads:—

- (1) Date of transaction.
- (2) Name and address of the purchaser.
- (3) Quantity sold.
- (4) The number and date of the permit or authorization against which the cement is sold.
- (5) Signature of the purchaser.

6. The licensee shall, at the close of each calendar month, submit to the licensing authority and the Regional Cement Officer concerned, a true and correct return in Form «E»

of the stocks, receipts and deliveries of cement during such month.

7. The licensee shall issue to every customer a correct receipt or invoice, as the case may be, giving his own name, address and licence number, the date of transaction, the quantity sold, name of the person to whom sold and the price charged, and shall keep a duplicate of the same available for inspection.

8. The licensee shall prominently display at each of the places mentioned in paragraph 2 a correct list, written in the language of the locality and in English, of the price of cement fixed from time to time under this Order.

9. The licensee shall give all facilities at all reasonable times to the Regional Cement Officer, the licensing authority and to the officer authorized by the State Government for the inspection of his stocks and accounts at any place used by him for the storage or sale of cement.

10. The licensee shall comply with any directions that may from time to time be given by the State Government and by the licensing authority about the maintenance of accounts or the sale or storage of cement.

Signature of Licensing Authority.

The 196

FORM «C»

[See clause 12(2)]

Application for cement for personal use

From:

To:

I require ... (in words) bags of cement during the month of ... year ... for the following purposes.

.....
.....

The work will be carried out at the following locality:

.....
.....

It is estimated that after the cement comes into my possession the work will take ... days to complete by which time the cement will have been consumed ...

I have signed the declaration overleaf and such declaration concerns this my application.

Signature of applicant ...

Place ...

Date ...

An application is more likely to be favourably considered if it is supported by any one of the following:—

1. Approval issued by the Municipality.
2. Letter issued by Block Development Office.
3. Recommendation from Public Works Department.

Signature and designation ...

Authority supporting the request ...

Place ...

Date ...

No application will be considered if the applicant fails to sign the declaration overleaf.

Declaration concerning the application for cement

Stamp duty, if any, payable on this agreement shall be borne by Government.

No application will be considered unless the declaration given below is signed by the applicant:—

1. I declare that no authorization or permit has already been issued for the cement required for the specific purpose, as defined above and for which I am now applying.

2. I declare that no other person has applied for the cement required for the specific purpose as defined above.

3. I declare that no application for the cement required for the specific purpose as defined above is being made by me, or any other person on my behalf, through any other channel.

4. I declare that if an authorization or permit is issued on my application, the full quantity of cement will be used for the work stated above and that it will not be used for

any other work or given or sold to any other party and any breach by me of this condition will amount to misrepresentation and obtaining cement by false pretence.

5. I agree that any authorized representative of the Director of Civil Supplies, Goa, Collector, Daman or Civil Administrator Diu or the Regional Cement Officer may inspect the work and my stocks obtained under this authorization or previous authorizations whatever they may be at any time on request and I shall also provide such information as to its use as may be asked for.

6. I agree that should it be found that any portion of the cement supplied to me has been resold or used for any other purposes than that stated by me or in the authorization or is not required for the said purpose all the cement in stock or with me may be confiscated.

Place ...

Date ...

Signature of the applicant

FORM «D»

[See clause 12(1)]

Government of Goa, Daman and Diu

Department of Civil Supplies

Office of the ...

Messrs.

You are authorized to supply cement as follows: —

1. Indentor's name ...

2. Address ...

3. Quantity ...

4. The period the consumer is permitted to be in possession of the cement from the date of issue ...

5. The cement is issued only for the purpose of ... and should be strictly used for that purpose.

6. The permit is not transferable.

7. The permit is valid for ... days from the date of issue.

Signature and designation of
Officer issuing the permit

Date ...

Copy to Indentor for information.

Signature and designation of
Officer issuing the permit

FORM «E»

(See form «B»)

Return of stocks, receipts and deliveries of Cement for the month ending ... 196 ...

Name and address of the licensee ...

Opening Stocks	Quantity received during the month	Quantity sold under permit issued by Officers of the State Government	Quantity sold under RCO's authorization	Closing balance	Remarks
1	2	3	4	5	6

THE LIEUTENANT GOVERNOR

K. R. Damle

Panjim, 15th May, 1965.